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| 09/767,838 | 01/24/2001 | Eric D. Shaw | 1063.39266X00 | 2202 |

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| EXAMINER |
|---|
| VO, HUYEN X |

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| 2655 | |

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on <u>22 December 2004</u>.

2a)☒ This action is **FINAL.**    2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) <u>1-32 and 36-72</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-32 and 36-72</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>29 March 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

## DETAILED ACTION

### *Response to Amendment*

1.      Applicant's arguments with respect to claims 1-67 have been considered but are

moot in view of the new ground(s) of rejection necessitated by amendment.

### *Claim Rejections - 35 USC § 103*

2.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.      Claims 1-32 and 36-72 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Joao (US Patent No. 5961332) in view of Chase (US 63321143).

4.      Regarding claims 1, 62, and 71-72, Joao discloses a method and system of

computer analysis of computer generated communications comprising: collecting at

least one computer generated communication produced by or received by an author

(*col. 14, In. 27-49, presenting questions to the user and collecting responses from the

user*); parsing the collected at least one computer generated communication to identify

categories of information therein (*col. 14, In. 27-67, received data are parsed and

assigned to predefined cells, and cells are grouped together into categories*);

processing the categories of information with at least one analysis to quantify at least

one type of information in each category (*col. 14, In. 50 to col. 15, In. 55 or col. 23, In.*

*46 to col. 25, ln. 57)*; and generating an output communication when a difference

between the quantification of at least one type of information for at least one category

and a reference for the at least one category is detected involving a psychological state

of the author to which a responsive action should be taken with content of the output

communication and the at least one category being programmable to define a

psychological state in response to which an action should be taken and what the action

is to be taken in response to the defined psychological state *(the operation of figures*

*12A-B)*.

Joao fails to specifically disclose that the at least one computer generated

communication comprised of a group of words written by the author, and the

psychological state of the author reflected by the group of words written by the author,

and the collected at least one computer generated communication comprises at least

one of email, chat from a chat room and website information collected from a website.

However, Chase teaches that the at least one computer generated communication

comprised of a group of words written by the author, and the psychological state of the

author reflected by the group of words written by the author *(referring to figures 3-8*

*and/or col. 10, line 60 to col. 13, line 67)*, and the collected at least one computer

generated communication comprises at least one of email, chat from a chat room and

website information collected from a website *(figure 3, the message 54 can be a text*

*document file or email or message from website)*.

Since Joao and Chase are analogous art because they are from the same field of

endeavors, it would have been obvious to one of ordinary skill in the art at the time of

invention to modify Joao by incorporating the teaching of Chase in order to assist an

author or editor to automatically analyze the discourse and enable the author or editor

to view the connotative aspects of the work and make changes.

5.      Regarding claim 2, Joao further discloses a method in accordance with claim 1

wherein: a plurality of computer generated communications generated over a period of

time are collected (*the operation of figure 2, many questions (DAF's) generated and

responses are collected over a period of time*), parsed and processed to generate the

reference of the at least one type of information for each category (*col. 14, In. 27-67,*

*received data are parsed and assigned to predefined cells, and cells are grouped*

*together into categories*); collecting, parsing and processing a more recent computer

generated communication to quantify the at Least one type of information therein for

each category (*col. 14, In. 50 to col. 15, In. 55 or col. 23, In. 46 to col. 25, In. 57*); and

generating the output communication when the difference between the reference of at

least one category and the quantification of the current computer generated

communication for at least one category is detected involving a psychological state of

the author to which the responsive action should be taken (*the operation of fig. 12A-B*).

6.      Regarding claim 3, Joao further discloses a method in accordance with claim 1

wherein: only one computer-generated communication is collected, parsed and

processed (*figure 1*).

7.    Regarding claims 4-6, Joao further discloses a method in accordance with claims 1-3 wherein: the output communication indicates that the author should be studied or investigated (*col. 25, ln. 39-57, if the result score of DAF-1 indicates that the person should be studied further, DAF-2 is formulated and presented to the author to collect more responses*).

8.    Regarding claims 7, 9, 11, 13, 15, and 17, Joao further discloses a method in accordance with claims 1-6 wherein: a plurality of analyses are used to process the categories of information (*the operation of figure 2 involves a plurality of analyses, or referring to col. 23, ln. 46 to col. 25, ln. 67*).

9.    Regarding claims 8, 10, 12, 14, 16, 18-24, and 64-65, Joao further discloses a method in accordance with claims 7, 9, 11, 13, 15, 17, 1-6, and 63 respectively, wherein: the plurality of analyses comprise a psychological profiling algorithm which provides an indication of a psychological state of the author (*col. 30, ln. 19-67*), at least one key word algorithm which processes any phrases and/or threatening acts to further identify a psychological state of the author and how the author may react to the identified psychological state and at least one message characteristic algorithm which analyzes characteristics of the at least one computer generated communication to identify a psychological state and/or at least one possible action of the author (*col. 14, ln. 50 to col. 15, ln. 46, processing emotion category to determine the psychological state of the author, for further detail see col. 22-25*).

10.    Regarding claims 25-27, Joao further discloses a method in accordance with

claims 4-6 wherein: the at least one computer generated communication is collected by

an organization to which the author is affiliated (*col. 11, ln. 56-67 and/or col. 28, ln. 13-*

*35*); and the output communication is present on a system of the organization and is

directed to or from the organization (*col. 11, ln. 56-67 and/or col. 28, ln. 13-35*).


11.    Regarding claims 28-30, Joao further discloses a method in accordance with

claims 25-27 wherein: each reference is set by the organization (*col. 22, ln. 39-58,*

*these nine reference values are predefined by the organization*).


12.    Regarding claims 31-32, Joao further disclose a method in accordance with claim

3 wherein: the only one computer generated communication is collected by an

organization to which the author is affiliated (*col. 11, ln. 56-67 and/or col. 28, ln. 13-35*);

the output communication is directed to the organization and pertains to further action to

be taken regarding the author (*col. 11, ln. 56-67 and/or col. 28, ln. 13-35*); and wherein

each reference is static and is indicative that a psychological state of the author is of

concern to the organization (*col. 11, ln. 56-67 and/or col. 28, ln. 13-35*).


13.    Regarding claims 36-38, Joao further discloses a method in accordance with

claim 1 wherein: the output communication assesses a risk posed by the author based

upon the at least one computer generated communication produced or received by the

author (*col. 30, In. 19-67*); the author is affiliated with an organization (*the author using the system*); and the communication pertains to a course of action to be taken by the organization which collected the at least one computer generated communication authored or received by the author (*col. 35, In. 1-67*); and the course of action is that the author be further assessed and counseled regarding the psychological state · represented in the at least one computer generated communication (*the operation of figure 2 or col. 23, In. 46 to col. 26, In. 67, responses to questions posed in DAF-1 are collected and based on the collected responses, DAF-2 is generated to further assess the psychological state of the author*).

**14.**     Regarding claims 39-41, Joao further discloses a method in accordance with claim 19 wherein: the output communication is about the author (*col. 30, In. 36-67, report about the author*); and the output communication is generated in response to processing of the reference for the at least one psychological profiling algorithm and the quantification produced by the psychological profiling algorithm (*col. 30, In. 36 to col. 31, In. 67, different processing and reports are generated*); for the at least one key word algorithm and the quantification produced by the at least one key word algorithm (*col. 14, In. 50 to col. 15, In. 30*); and for the at least one message characteristic algorithm and the quantification produced by the at least one message characteristic algorithm (*col. 32, In. 1 to col. 33, In. 67, calculations are performed to determine if the psychological state of the author*).

15.    Regarding claims 42-44, Joao further discloses a method in accordance with

claims 1-3 wherein: the output communication regards at least one of a psychological

state of the author represented in the at least one computer generated communication

and an investigation of the psychological state of the author represented by the at least

one computer generated communication (*col. 30, In. 36 to col. 31, In. 67, different*

*processing and reports are generated*).


16.    Regarding claims 45-46, Joao further discloses a method in accordance with

claim 19 wherein the at least one psychological profiling algorithm quantifies at least

one of: words written in bold face, italics, profanity or email symbols in an alert phrase

(*table 1 in col. 15-21 or appendices*); and wherein the at least one psychological

profiling algorithm quantifies the following words, phrases, or subjects: I, we, me

negatives, quantifiers, retractors, direct references, explainers, expressions of feeling,

evaluators, adverbial intensifiers, rhetorical questions, interruptions, interrogatives and

imperatives (*table 1 in col. 15-21 or appendices*).


17.    Regarding claims 47-48, Joao further discloses a method in accordance with

claim 46 wherein: the at least one psychological profiling algorithm produces an

assessment of a psychological state of the author (*col. 11, In. 9-29*); and wherein the

psychological state of the author is at least one of anger, anxiety, depression, emotional

withdrawal, lack of flexibility, impulsiveness and emotional stability (*col. 14, In. 50 to col.*

*15, In. 31*).

18.     Regarding claims 49-50, Joao further discloses a method in accordance with

claim 46 wherein: the at least one psychological profiling algorithm provides an

interpretation of the psychological state and/or risk of at least one of the words, phrases

and subjects represented by the at least one computer generated communication (*col.

15, In. 47-55 or table 1*); and wherein the at least one psychological profiling algorithm

provides an interpretation of the psychological state and/or risk of at least one

combination of at least one of the words, phrases or subjects represented by the at

least one computer generated communication (*col. 15, In. 47-55 or table 1*).


19.     Regarding claims 51-52, Joao further discloses a method in accordance with

claim 19 wherein: the at least one key word algorithm quantifies phrases and/or

threatening acts to identify a psychological state (*col. 14, In. 50 to col. 15, In. 31, anger

toward others*); and wherein the phrases and/or threatening acts involve at least one of

anger, grief, threats, or accusations (*col. 14, In. 50 to col. 15, In. 31, anger*).


20.     Regarding claims 53, Joao further discloses a method in accordance with claim

50 wherein the at least one key word algorithm provides information regarding at least

one of: employee attitude, actions toward individuals, at least one organization and at

least one organizational interest (*col. 14, In. 45 to col. 15, In. 29*).

21.    Regarding claim 54, Joao further discloses a method in accordance with claim 46 wherein the characteristics include at least one of the following information about the at least one computer generated communication: number of words, time of day, writing time, number of words per minute, recipient, spelling errors, grammatical errors, words per sentence, and communication rate in terms of at least one of a number of computer generated communications per hour or day (*table 1, col. 16, ln. 30-43, these can be categorized in Attentional Deficits category*).

22.    Regarding claims 55-60, Joao further discloses a method in accordance with claims 1 and 3 wherein: the output communication is used to alter the at least one computer generated communication (*col. 3, ln. 47-60*); and wherein the author uses the output communication to alter the at least one computer generated communication (*col. 3, ln. 47-60*); and wherein the altering of the at least one computer generated communication modifies a psychological state reflected in the at least one computer generated communication in a manner desired by the author (*col. 3, ln. 47-60*).

23.    Regarding claim 61, Joao further discloses a method in accordance with claim 1 wherein: the category involving a psychological state is a change in psychological state (*col. 28, ln. 13-35*).

24.    Regarding claim 63, Joao further discloses a system as recited in claim 62 wherein: the at least one analysis is at least one algorithm (*col. 24-25*).

25.    Regarding claim 66, Joao further discloses a system as recited in claim 62

wherein: the output communication is generated by the at least one processor by a

report generator program which generates a report pertaining to the author (*the*

*operation of figure 1 and col. 30, ln. 36 to col. 31, ln 67*).


26.    Regarding claim 67, Joao further discloses a system in accordance with claim 62

wherein: the input is coupled to a communication system of an organization to which the

author is affiliated and which collects the at least one computer generated

communication produced or received by the one author (*col. 11, ln. 56-67*); and the

output communication is directed to the organization indicating that at least one of an

investigation and corrective action should be considered relative to the author (*col. 11,*

*ln. 56-67 and col. 30, ln. 36 to col. 31, ln. 67*).


27.    Regarding claim 68, Joao further discloses a system in accordance with claim 62

wherein: the output communication is used to alter the at least one computer generated

communication (*col. 15, ln. 32-45*);


28.    Regarding claims 69-70, Joao further discloses a system in accordance with

claim 68 wherein the author uses the output communication to alter the at least one

computer generated communication (*col. 15, ln. 32-45*); and wherein the altering of the

at least one computer generated communication modifies a psychological state

reflected in the at least one computer generated communication in a manner desired by the author (*col. 15, ln. 32-45*).

### *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huyen Vo whose telephone number is 703-305-8665. The examiner can normally be reached on M-F, 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on 703-305-4827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

HXV                                                                  April 28, 2005

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SUSAN MCFADDEN
PRIMARY EXAMINER